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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

7590 06/13/2003
Birch Stewart Kolasch & Birch LLP
P O Box 747
Falls Church, VA 22040-0747

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/490,061

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

HUNG Q PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant canceled claims 3-4 and 6, added new claims 11-12 in the amendment filed on 04/28/2003. The pending claims are 7-12.

Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].**

Regarding to claims 7 and 10, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1, lines 6-15). As shown in FIG. 1, a digital camera may store pictures in a memory card 2, which is detachable as *a first loadable and removable recording medium*. Another form of

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medium is a hard disc of a personal computer, or an image server in a laboratory system. In the case where the personal computer is used, data can be transferred to the hard disc as a *second recording medium* via a cable connection if the digital camera uses the built-in memory, or by slotting the memory card into a card slot of the personal computer directly if the digital camera uses the memory card (Fukada, Col. 5, line 5-Col. 6, line 7). As shown in FIG. 2, when a memory card is set into a card slot and the processing is started, image files within the memory card are read one by one in the order of recording. Based on the recording property information, a file name used upon storage of the image file is determined. In this example, the file name is determined by a combination of the title, the date of recording, and an identifying number. For example, if the title of the recording property information is "a flower", and the date of recording is April 3, which is assumed to be expressed as 0403, the file name may be expressed as "flower0403001", when the identifying information is assumed to be "001".

The identifying number 001 in the above example is to identify the image file in the hard disc of the personal computer. After a file name is temporarily determined, the file name is examined whether or not an image file with the identical file name already exists in the hard disc. If an image file with the identical file name already exists, a new file name is determined by changing the identifying number. For determining the new identifying number, a file name search and comparison processing is repeated for a plurality of times. As a result, if 10 image files with identifying numbers 001 to 010 already exist, a following image file is stored in the hard disc under a file name "flower0403011",

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with 011 being the identifying number. Alternatively, by storing the fact that identifying numbers 001 through 010 have already been used for a combination of recording property information "flower0403" and referring to this fact, the processing may be started with the identifying number starting from 011 the next time (Col. 6, line 8-Col. 7, line 8). Thus, after the search and an overlap occurred, the image file 010 as a last file-number of file –numbers for image files that have been recorded on the second recording medium has been identified to determine the file name of the recorded image by incrementing the identifying number, or in other words, the technique as discussed indicates the steps of *reading out a last file-number of file-numbers for image files that have been recorded on the second recording medium; incrementing the read out last file-number; and changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number*. The Fukada process in continued by *recording the read image file on the recording medium* (Col. 7, lines 9-17).

Fukada fails to disclose the second recording medium is *loadable and removable*.

However, Fukada uses a conventional computer as the device for processing image files. Such a conventional computer as disclosed, a loadable and removable recording medium as an A drive for a floppy disk is obvious. Fukada further makes a strong suggestion, the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5).

Thus, instead of processing in a hard drive, a loadable and removable recording medium such as floppy disk could be used for storing. Therefore, it would have

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been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding to claims 8 and 11, Fukada teaches all the claimed subject matters as discussed in claims 7 and 10, Fukada further discloses the steps of *grouping image files, which have been recorded on the second loadable and removable recording medium according to the types of images represented by the image files* (Col. 5, line 49-Col. 6, line 7).

Regarding to claims 9 and 12, Fukada teaches all the claimed subject matters as discussed in claims 8 and 11, Fukada further discloses the step of *recording a file name corresponding to each group on the second loadable and removable recording medium* (Col. 5, line 49-Col. 6, line 7).

Conclusion

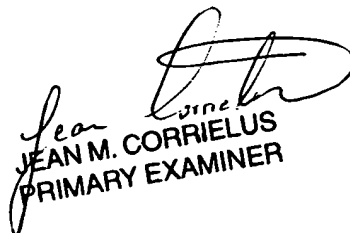
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose

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telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham
May 30, 2003


JEAN M. CORRIELUS
PRIMARY EXAMINER